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2 United States Attorney
Eastern District of Washington
3 Brian M. Donovan
4 Assistant United States Attorney
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5 Spokane, WA 99210-1494
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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 \$5,000.00 U.S. CURRENCY,

13 Defendant.

14 VERIFIED COMPLAINT FOR
15 FORFEITURE *IN REM*

16 Plaintiff, United States of America, by its attorneys, William D. Hyslop, United
17 States Attorney for the Eastern District of Washington, and Brian M. Donovan,
18 Assistant U.S. Attorney, brings this complaint and alleges as follows in accordance
19 with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:
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22 I. NATURE OF THE ACTION

23 1. This is an action to forfeit and condemn to the use and benefit of the
24 United States of America the above-captioned Defendant Property seized by the
25 United States Postal Inspection Service for violations of Title II of the Controlled
26 Substances Act, 21 U.S.C. § 801 et seq.
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VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

II. THE DEFENDANT(S) IN REM

2. The Defendant Property consists of the following Property:
- \$5,000 U.S. currency, seized by the United States Postal Inspection Service on or about September 10, 2019.

III. JURISDICTION AND VENUE

3. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the Defendant Property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a). This Court has *in rem* jurisdiction over the Defendant Property under 28 U.S.C. § 1355(b).

4. Upon the filing of this complaint, Plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which Plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

5. Venue is proper in this district pursuant to 28 U.S.C. §1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

IV. BASIS FOR FORFEITURE

6. Plaintiff repeats and re-alleges each and every allegation set forth in Paragraphs 1 through 5 above.

7. The Defendant Property is liable to condemnation and forfeiture to the United States for its use, in accordance with the provisions of 21 U.S.C. § 881(a)(6),

1 because it constitutes: 1) money, negotiable instruments, securities and other things
2 of value furnished and intended to be furnished in exchange for a controlled substance
3 in violation of the Controlled Substances Act; 2) proceeds traceable to such an
4 exchange; and/or 3) money, negotiable instruments, and securities used and intended
5 to be used to facilitate a violation of the Controlled Substances Act.
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7 V. FACTS

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9 8. On or around September 10, 2019, United States Postal Inspection
10 Service (“USPIS”) Postal Inspectors conducted an Express Mail interdiction. This
11 USPIS interdiction took place at the Spokane Processing and Distribution Center,
12 located at 2928 South Spotted Road, Spokane, Washington. The interdiction targeted
13 Express Mail parcels possibly containing narcotics or monetary proceeds derived from
14 illegal drug trafficking activity.
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17 9. On or about September 10, 2019, United States Postal Inspectors flagged
18 a parcel (“Subject Parcel”) they wanted to investigate further due to multiple
19 suspicious characteristics, including that the parcel was addressed with a handwritten
20 label, paid for with cash, no phone number was provided for the sender or recipient,
21 and no signature was required for delivery of the parcel. Based on the training and
22 experience of USPIS inspectors, these characteristics were suspicious because
23 legitimate businesses using the Express Mail service typically use pre-printed labels,
24 whereas narcotics traffickers will often hand-write the labels. Additionally, payment
25 with cash is suspicious because the use of a credit card would more likely enable law
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1 enforcement officers to connect the package to identifiable individuals. Also, narcotics
2 traffickers choose not to include phone numbers so as not to enable law enforcement
3 to trace their names or physical locations. Lastly, the fact that no signature was
4 required upon delivery enables delivery to be tracked without affirmative acceptance
5 by an individual who may be under investigation by law enforcement.
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7 10. The Subject Parcel was intended for delivery to Kung Fu Vapes, located
8 in Spokane, Washington. The return address listed on the Subject Parcel was “953
9 Ridge Dr CH WV 25313.” Using United States Postal Service and law enforcement
10 databases, Inspector Service personnel researched the return address listed on the
11 Subject Parcel. Inspector Service personnel discovered that the address “953 Ridge Dr
12 CH WV 25313” is a true and deliverable address. They also found that people who
13 receive mail at that address include Geronimo Scott, Bertha Scott, Samuel Scott, and a
14 female with the last name “Wade.”
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18 11. Inspector Service personnel also searched the recipient address, “4811 N.
19 Market St Spokane, WA 99217,” and learned it is a valid address, but no individuals
20 have reported to the address. After running a business search on the recipient address,
21 Inspector Service personnel discovered that several businesses were listed at that
22 address with no dates showing the currentness of the information. However, open
23 source imagery on the Internet showed a small business building with signage in the
24 windows and doors depicting “Kung Fu Vapes.” On October 3, 2019, a supervisor at
25 the Hillyard station United States Postal Office in Spokane, Washington, confirmed
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VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

1 the recipient's address was a true and deliverable address. The mail carrier informed
2 the supervisor that only mail addressed to "Kung Fu Vapes" and "John Dawson" is
3 being delivered to the recipient's address.
4

5 12. On September 10, 2019, to further the investigation, the assistance of
6 U.S. Customs & Border Patrol Agent Seth Sedano Jr. ("Agent Sedano") and his
7 certified controlled substance detection canine partner, "Tessa," was requested by a
8 Postal Inspector. Due to the suspicious characteristics of the Subject Parcel and those
9 characteristics being associated with narcotics trafficking, Agent Sedano and canine
10 Tessa tested whether the Subject Parcel had an odor of narcotics associated with it. In
11 order to test this, a Postal Inspector placed the Subject Parcel and four other control
12 parcels in an unoccupied hall, outside the view of Agent Sedano and canine Tessa.
13 Agent Sedano then exposed canine Tessa to the Subject Parcel and the four other
14 control parcels. During this exposure, canine Tessa experienced an ear bleed, due to a
15 pre-existing injury, so Agent Sedano stopped the process to tend to her ear. Once
16 canine Tessa's ear was tended to, the Postal Inspector then repeated the process of
17 placing the Subject Parcel with four fresh control parcels to restart the process. Agent
18 Sedano then re-introduced canine Tessa to the new parcel-line up. Agent Sedano
19 notified the Postal Inspector that canine Tessa alerted to the third parcel, which was
20 the Subject Parcel.
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26 13. On October 25, 2019, USPIS provided notice of the seizure of the
27 Subject Parcel to interested parties.
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1 14. On October 28, 2019, USPS received a claim to the Defendant Property
2 from John Dawson on behalf of Kung Fu Vapes. *See* Ex. 1. Dawson alleged in his
3 claim form that “[a] customer contacted [Kung Fu Vapes] via social media to place an
4 order and sent payment for said order in cash via the USPS mail.” *Id.* at 12. Claimant
5 provided a photograph of alleged messages between the Kung Fu Vapes Instagram
6 account and an Instagram account with the handle “piratefarmer” discussing the order.
7 *Id.* at 14. Claimant also provided an alleged email message from
8 “goafterburner@gmail.com” to “kungfuvapes@gmail.com” stating, “Hey I’m trying
9 to order some empty cartridges from you mainly for their reviews they get for
10 dependability...I’m sending you cash, because I am not comfortable with using any of
11 my credit or debit cards, mainly because I haven’t personally met you. I don’t wanna
12 get HACKED & that’s my main purpose for sending cash I’m sorry if that’s an
13 inconvenience for you.” *Id.* at 15. Claimant did not provide evidence that
14 “piratefarmer” is actually associated with the email “goafterburner@gmail.com.”
15 Claimant also did not provide the name of the customer who sent the \$5,000 to Kung
16 Fu Vapes.
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18 15. Based on the claim submitted by Dawson, it appears that Kung Fu Vapes
19 did not complete the alleged commercial transaction and did not send the alleged vape
20 hardware to the individuals located in West Virginia. *Id.* at 12 (“Payment was
21 intercepted and the customer never received his goods...”).
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VI. CONCLUSION

WHEREFORE, Plaintiff requests that the Clerk of the Court issue a warrant for the arrest of the Defendant Property; that notice of this action be given to all persons who reasonably appear to be potential claimants of interests in the Property; that the Defendant Property be forfeited and condemned to the United States of America; that Plaintiff be awarded its costs and disbursements in this action and for such other and further relief as this Court deems proper and just.

DATED this 22nd day of January 2020.

William D. Hyslop
United States Attorney

s/ Brian M. Donovan
Brian M. Donovan
Assistant United States Attorney

VERIFICATION

I, Nicholas R. Underhill, hereby verify and declare under penalty of perjury that I am a United States Postal Inspector with the United States Postal Inspection Service in Seattle, Washington, that I have read the foregoing Verified Complaint *in rem* and know the contents thereof, and that the matters contained in the Verified Complaint are true to my own knowledge, except those matters herein stated to be alleged on information and belief, and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States and information supplied to me by

1 The sources of my knowledge and information and the grounds of my belief are
2 the official files and records of the United States and information supplied to me by
3 other law enforcement officers, as well as my investigation of this case, together with
4 others, as a United States Postal Inspector.
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6 I hereby verify and declare under penalty of perjury that the foregoing
7 information is true and correct.
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9 DATED this 22ND day of January 2020.

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11 _____
12 Nicholas R. Underhill, U.S. Postal Inspector
13 United States Postal Inspection Service
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CLAIM DETAILS

Tracking Number: 198D-8F7-6F2-A9C

Filed on: October 28, 2019

Claimant: Dawson, John

Documents included:

- * Standard Online Claim Form
- * Initial contact from customer - Screenshot_20190910-112949_Instagram.jpg
- * Email for customer - Email-Claim.pdf

10/28/2019



CLAIM FORM

YOU MUST COMPLETE ALL PARTS OF THIS FORM FOR THE ASSETS YOU ARE CLAIMING.

Note: There is no legal form or format required for filing a claim; this document is provided for your convenience. Please visit <https://www.forfeiture.gov/FilingClaim.htm> for more specific guidance on filing your claim with the appropriate seizing agency.

Frivolous Claim Statement: If a court finds that a claimant's assertion of an interest in property was frivolous, the court may impose a civil fine. Title 18 United States Code, Subsection 983(h). A false statement or claim may subject a person to criminal prosecution under Title 18 United States Code, Sections 1001 and 1621.

Privacy Act Notice: The Department of Justice is collecting this information for the purpose of processing your claim. Providing this information is voluntary; however, the information is necessary to process your application. Information collected is covered by Privacy Act System of Records Notice Department of Justice (DOJ), DOJ-002-DOJ Computer Systems Activity & Access Records, Federal Register (71 FR 29170). This information may be disclosed to contractors when necessary to accomplish an agency function, to law enforcement when there is a violation or potential violation of law, or in accordance with other published routine uses. For a complete list of routine uses, see the system of records notice listed above.

SECTION I - CONTACT INFORMATION

CLAIMANT INFORMATION	
Claimant/Contact Name: (Last, First) Dawson, John	
Business/Institution Name: (if applicable) Kung Fu Vapes	Prisoner ID: (if applicable)
Address: (Include Street, City, State, and Zip Code) 4811 N Market St Spokane, WA 99208	
Social Security Number/Tax Identification Number: (Enter N/A if you do not have one)	
Phone: (optional) 818-568-2401	Email: (optional) kungfuvapes@gmail.com

If any of this information changes, you are responsible for notifying the agency of the new information.

SECTION II - ASSET LIST

List each asset ID and asset description that you are claiming.

#	Asset ID	Asset Description
1	19-USP-002559	\$5,000.00 U.S. Currency, SN: **** seized by the USPIS on September 10, 2019 in Spokane, WA.

SECTION III - INTEREST IN PROPERTY

Identify your interest in each of the assets you are claiming. If you are filing for multiple assets and the responses are not the same for each asset, please print out multiple copies of this page to submit with the claim. If you have documentation that supports your interest in the claimed assets (e.g., bill of sale, retail installment agreements, contracts, titles or mortgages), please include copies of the documents with the submission of the claim.

INTEREST IN PROPERTY INFORMATION	
Asset ID	Asset Description
19-USP-002559	\$5,000.00 U.S. Currency, SN: **** seized by the USPIs on September 10, 2019 in Spokane, WA.

In the space below, please explain why you have a valid, good faith, and legally recognizable interest in this asset:

We sell hardware via many platforms including our website, email, and multiple social media platforms. A customer contacted us via social media to place an order and sent payment for said order in cash via the USPS mail. Payment was intercepted and the customer never received his goods or a refund. We believe the funds were seized without any reason during commerce.

In the space below, please list any documents you are including in support of your interest in the asset(s). If none are included, please explain why.

* Initial contact from customer - Screenshot_20190910-112949_Instagram.jpg

* Email for customer - Email-Claim.pdf

SECTION IV - RECOVERY OF LOSS

No Recovery of Loss exists.

SECTION V - DECLARATION

The following declaration must be completed by the claimant.

I attest and declare under penalty of perjury that my claim is not frivolous and the information provided in support of my claim is true and correct to the best of my knowledge and belief.

Electronically Signed

Signature

Dawson, John

Printed Name

10/28/19

Date

If a court finds that a claimant's assertion of an interest in property was frivolous, the court may impose a civil fine. Title 18 United States Code, Subsection 983(h). A false statement or claim may subject a person to criminal prosecution under Title 18 United States Code, Sections 1001 and 1621.

11:29



27%

**piratefarmer**

Active 53m ago



Kung FU VAPES
4811 n.market st.
Spokane,WA 99217



Do you want signature(?)

No signature (?)



No



Need to email us

For invoice

Won't need one

Just need the units

Do you ever add White Label Logo
for me(?)

Can*



PIRATE CANDLESTIX



Message...



(no subject)

go afterburner <goafterburner@gmail.com>

Tue, Sep 10, 2019 at 12:10 PM

To: "kungfuvapes@gmail.com" <kungfuvapes@gmail.com>

Hey I'm trying to order some empty cartridges from you mainly for their reviews they get for dependability.

1000 units quasar/empty
\$5000 included with USPS

TRACKING # EJ054227918US

I'm sending cash, because I am not comfortable with using any of my credit cards or debit cards, mainly because I haven't personally met you. I don't wanna get HACKED & that's my main purpose for sending cash I'm sorry if that's an inconvenience for you.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Brian M. Donovan, AUSA, United States Attorney's Office, P.O. Box
1494, Spokane, WA 99210-1494 (509)353-2767

DEFENDANTS

\$5,000.00 U.S. CURRENCY,

County of Residence of First Listed Defendant SPOKANE

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
21 U.S.C. § 881Brief description of cause:
Civil forfeiture of drug proceeds

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

1/22/2020

SIGNATURE OF ATTORNEY OF RECORD

Brian M. Donovan

Brian M. Donovan, Assistant U.S. Attorney

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE